

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Said Maye,

Complainant,

vs.

**DISMISSAL ORDER**

Warsame Volunteer Committee,

Respondent.

On October 31, 2013, Said Maye filed a Campaign Complaint with the Office of Administrative Hearings alleging that the Warsame Volunteer Committee violated Minn. Stat. § 211A.13 (prohibited transfer) in connection with Abdi Warsame's campaign for Minneapolis City Council in the upcoming November 5, 2013, election.

The Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge on October 31, 2013. A copy of the Complaint was sent by U.S. mail to the Respondent on October 31, 2013.

After reviewing the Complaint and attached exhibits, the undersigned Administrative Law Judge has determined that the Complaint does not set forth a *prima facie* violation of Minn. Stat. § 211A.13. This determination is described in more detail in the attached Memorandum.

Based upon the Complaint and the supporting filings and for the reasons set out in the attached Memorandum,

**IT IS ORDERED:**

That the Complaint filed by Said Maye against the Warsame Volunteer Committee is DISMISSED.

Dated: November 5, 2013

s/Steve M. Mihalchick  
STEVE M. MIHALCHICK  
Administrative Law Judge

## NOTICE

Under Minn. Stat. § 211B.36, subd. 5, this Order is the final decision in this matter and a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. §§ 14.63 to 14.69.

## MEMORANDUM

Mr. Abdi Warsame is a candidate for the Minneapolis City Council in the November 5, 2013, election. The Complaint alleges that his campaign committee, Warsame Volunteer Committee, violated Minn. Stat. § 211A.13 by disseminating campaign material that, in addition to promoting Mr. Warsame's candidacy, encouraged voters to vote for other specific candidates in local races. The Complaint asserts that by promoting the other candidates, the Respondent provided prohibited in-kind contributions to their campaign committees.

### Standard of Review

In order to set forth a *prima facie* case of violations of Minn. Stat. chs. 211A and 211B, a complainant must either submit evidence or allege facts that, if unchallenged or accepted as true, would be sufficient to prove a violation of either or both of those two chapters.<sup>1</sup> For purposes of a *prima facie* determination, the tribunal must accept the facts alleged as true. The allegations do not need independent substantiation.<sup>2</sup> A complaint must be dismissed if it does not include evidence or allege facts that, if accepted as true, would be sufficient to prove violations of chapter 211A or 211B occurred.<sup>3</sup>

### Minn. Stat. § 211A.13

Minnesota Statutes chapter 211A governs the campaign finance and reporting requirements for individuals seeking nomination or election to county, municipal, school district, or other political subdivision office.<sup>4</sup>

Minnesota Statutes section 211A.13 provides as follows:

A candidate for political subdivision office must not accept contributions from the principal campaign committee of a candidate as defined in section 10A.01, subdivision 34. A candidate for political subdivision office must not make contributions to a principal campaign committee, unless the contribution is made from the personal funds of the candidate for political subdivision office.

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<sup>1</sup> *Barry v. St. Anthony-New Brighton Independent School District*, 781 N.W.2d 898, 902 (Minn. Ct. App. 2010).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Minn. Stat. § 211A.01, subd. 4.

Minnesota Statutes chapter 10A governs the campaign finance and disclosure requirements for “candidates” who seek nomination or election as “a state constitutional officer, legislator, or judge.”<sup>5</sup> Among other requirements, chapter 10A mandates that these candidates form “principal campaign committees” in order to accept contributions in excess of \$750.<sup>6</sup>

## Analysis

The first sentence of section 211A.13 prohibits candidates for local office from *accepting* contributions from the “principal campaign committees” of 10A candidates (state office, legislative or judicial candidates). The second sentence prohibits candidates for local office from *making* contributions to a “principal campaign committee” unless the contribution is made from the candidate’s personal funds.

The statute is vague as to whether the second sentence prohibits the making of contributions to the principal campaign committee “of a candidate as defined in section 10A.01, subdivision 34,” or whether it is a general prohibition directed at the principal campaign committee of any candidate for state or local office.

Under recognized principles of statutory construction in Minnesota, “[t]he object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature.”<sup>7</sup> If possible, “[e]very law shall be construed . . . to give effect to all its provisions.”<sup>8</sup> If the words of a statute are “clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.”<sup>9</sup> Although plain meaning is the governing principle in applying all statutory language, Minnesota courts will not give effect to the plain meaning if it produces an absurd result or an unreasonable result that is plainly at variance with the policy of the legislation as a whole.<sup>10</sup> If the “words of a law are not explicit,” the Administrative Law Judge may determine the intent of the legislature by considering, among other things, the occasion and necessity for the law, the object to be attained, the consequences of a particular interpretation, and legislative and administrative interpretations of the statute.<sup>11</sup>

The term “principal campaign committee” is not defined in chapter 211A and not used in other sections of chapter 211A. In addition, unlike chapter 10A, there is no requirement in chapter 211A that local candidates form principal campaign committees. Thus, if the prohibition against contributions in section 211A.13 is interpreted broadly, it would include prohibiting local candidates from contributing to the principal campaign committees of those local candidates that chose to establish principal campaign committees. That result would be absurd and unreasonable.<sup>12</sup>

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<sup>5</sup> Minn. Stat. § 10A.01, subd. 10.

<sup>6</sup> Minn. Stat. § 10A.105.

<sup>7</sup> Minn. Stat. § 645.16.

<sup>8</sup> *Id.*; see also Minn. Stat. § 645.17(2).

<sup>9</sup> *Id.*

<sup>10</sup> *Olson v. Ford Motor Co.*, 558 N.W.2d 491, 494 (Minn. 1997); see also Minn. Stat. § 645.17(1).

<sup>11</sup> Minn. Stat. § 645.16.

<sup>12</sup> Minn. Stat. § 645.17(1).

The Administrative Law Judge concludes that the best reading of section 211A.13 is to prohibit transfers between local candidates and the principal campaign committees of candidates defined in Chapter 10A.

This conclusion is not altered by the fact that the one other place in Minnesota Statutes where the term "principal campaign committee" is used substantively is Minn. Stat. ch. 383B, which contains provisions governing elections in Hennepin County. While chapter 383B contains some provisions regarding campaign financing, nothing in it prohibits accepting or making of contributions between local candidates and principal campaign committees as defined in Minn. Stat. § 383.42, subd. 16. If the legislature had intended to include such a prohibition, it could have placed a provision in chapter 383B, or in Minn. Stat. § 211A.13. The fact that section 211A.13 expressly refers to a principal campaign committee "as defined in section 10A.01, subdivision 34" and not one defined in section 383B.42, subdivision 16, indicates an intent that it not be included.

As noted in a 1994 Opinion of the Minnesota Attorney General,<sup>13</sup> it is unlikely that the legislature would have imposed a restriction on contributions that would apply only to 10A and local Hennepin County candidates in the general 211A statute, rather than imposing it within the context of Minn. Stat. ch. 383B.

Construing Minn. Stat. § 211A.13 in this manner is further supported by reading section 211A.13 in conjunction with section 10A.27, subdivision 9(d), which was enacted in the same session law chapter as section 211A.13.<sup>14</sup> That paragraph provides that:

(d) A candidate or the treasurer of a candidate's principal campaign committee must not accept a contribution from a candidate for political subdivision office in any state, unless the contribution is from the personal funds of the candidate for political subdivision office. A candidate or the treasurer of a candidate's principal campaign committee must not make a contribution from the principal campaign committee to a candidate for political subdivision office in any state.

This paragraph is a mirror image of section 211A.13; both prohibiting transfers between candidates for local office and the campaigns of candidates for state office.

Again, the Administrative Law Judge concludes that the prohibition in section 211A.13 is limited to transfers of funds between candidates for local office and the principal campaign committees of chapter 10A candidates.<sup>15</sup> It does not prohibit local candidates from making contributions to other local candidates' committees.

Moreover, it is arguable that the preparation and dissemination of the campaign material at issue would not fall within the definition of "contribution," as the definition

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<sup>13</sup> See Op. Att'y Gen. 627e, Aug. 1, 1994.

<sup>14</sup> See Act of May 20, 1993, ch. 318, art. 2, §§ 28, 47, 1993 Minn. Laws 1895, 1902.

<sup>15</sup> See Op. Att'y Gen. 627e, Aug. 1, 1994

specifically excludes “services provided without compensation by an individual.”<sup>16</sup> Distribution by volunteers of campaign material promoting more than one candidate could fall within that statutory exclusion.

For all of these reasons, the Complaint fails to state a *prima facie* violation of Minn. Stat. § 211A.13. The Complaint is dismissed.

**S.M.M.**

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<sup>16</sup> Minn. Stat. § 211A.01, subd. 5.